2



Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: NATHAN WILLIAMS, PLANNER II,

480-503-6805, NATHAN.WILLIAMS@GILBERTAZ.GOV

THROUGH: CATHERINE.LORBEER, AICP, PRINCIPAL PLANNER 480-503-6016

CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: SEPTEMBER 3, 2014

SUBJECT: UP13-04, GILBERT TOWN CENTER APARTMENTS: REQUEST TO

APPROVE A CONDITIONAL USE PERMIT FOR APPROXIMATELY 13 ACRES OF REAL PROPERTY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA

WW

DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Community Livability

Allow for the subject property to develop as an integrated mixed use development with multi-family apartments in the Regional Commercial (RC) zoning district.

RECOMMENDED MOTION

NO MOTION REQUESTED.

APPLICANT/OWNER

Paul Gilbert/ Dennis Newcombe AZ Gilbert Holdings LLC/ Lehman Brothers

Beus Gilbert Holdings, Inc. 701 N. 44th Street Christopher Bley

Phoenix, AZ 85008 3224 Peachtree Road, Suite 2200

V: 480-429-3002 Atlanta, GA 30326-1156

pgilbert@beusgilbert.com V: 310-500-3534

chris.bley@lehmanholdings.com

BACKGROUND/DISCUSSION

History

October 25, 2005 Town Council approved GP05-07 (Res. No. 2649), the minor General

Plan Amendment from Shopping Center Land Use Designation to Regional Commercial (RC) Land Use Designation, for Gilbert Town

Center, for approx. 37 acres.

Town Council approved Z05-14 (Ord. No. 1689), a rezoning request from Shopping Center (SC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay, for Gilbert Town Center on approx. 37 acres located at the southeast corner

of Gilbert Road and Warner Road.

December 7, 2005 The Planning Commission approved UP05-12, a use permit for a 1,206

unit multi-family residential development as part of an integrated mixed use development plan and a building height increase from 55' to

65' in the RC zoning district, on the 37 acre subject site.

May 17, 2012 Town Council approved Z12-02 (Ord. No. 2368), a rezoning request

from 11.7 acres of Regional Commercial (RC) zoning district with a PAD Overlay, to Regional Commercial (RC) zoning district with a

PAD Overlay; in order to remove the 11.7 acre site from the requirements of the existing Gilbert Town Center PAD.

June 5, 2013 The Planning Commission reviewed the proposed rezoning Z13-08 and

use permit UP13-04 at the study session.

Overview

The applicant is requesting to construct multi-family apartments on the 13.72 acre southeastern parcel (Parcel 2). The subject site is located at the southeast corner of Gilbert Road and Warner Road. Under the LDC Commercial Zoning District, Section 2.303 (L7), Multi-family Residential Uses are permitted in the Regional Commercial (RC) zoning district, however the LDC states the use is "Only permitted as part of an integrated, mixed-use plan and a Conditional Use Permit is required".

The associated request is to rezone the site. The rezoning request will essentially remove the 25.3 acre subject site from the requirements of the existing Gilbert Town Center PAD and Development Plan and allow for the site to develop under a revised Development Plan in Regional Commercial (RC) development standards including 13.7 acres of multi-family residential use in the Regional Commercial (RC) zoning district, as part of an integrated mixed-use development. The proposed PAD deviations include eliminating the 3rd story building step-back requirement within 100' of residentially designated property, decreasing the front and side yard building and landscape setbacks, as noted below in the Site Development Standards Table below.

Site Development Standards:

	Previous Development for Gilbert Town Center (Z05-14 and UP05-12)	LDC Conventional RC	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Zoning District:	RC PAD	RC	RC PAD
Number of Residential Units	1,206 units/ 37 acres 32.5 DU/ Acre	N/A	256 units/ 13.72 acres 18.65 DU/ Acre
Commercial Uses (sq. ft.)	179,000 sq. ft.	N/A	6-8 buildings of Retail and Office uses. Unknown square footage.
Landscape/ Open Space Area (%)	52%	15%	43%
Maximum Height (ft.)/Stories	65'/ 5-stories	55'	37'3" / 3-stories
Building Step-back	N/A	Required: Where a building in the RC is within 100' of property designated for residential use in the General Plan. A building step-back of 1-foot for every 1-	No Building Step-back

		foot of building height above 2 stories or 35 feet is required. (Step-back at 3 rd	
		story)	
Minimum Building		•	
Setbacks:			
Front (Civic Center)	25'	25'	10'
Side (Palm Street)	20'	20'	10'
Rear	20'	20'	20'
Minimum			
Landscape Setbacks:			
Front (Civic Center)			
Side (Palm Street)	25'	25'	20'*
Rear	Rear 20'		20'*
	20'	20'	20'
Building Lot	28%	60% single story	29% two/three-story
Coverage		50% two/three-story	

^{*20&#}x27; landscape setback required except where buildings located with a 10' setback.

Use Permit (UP13-04)

UP13-04 for the Gilbert Town Center Apartments is a request to approve a conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district, pending approval of rezoning case Z13-08.

The conditional use permit process for multi-family within the RC zoning district was enhanced with the intent to incentivize and foster a creative and truly integrated mixed use development, such as specialty lifestyle centers with density that provide all the various components of the Town's Live, Work Play motto.

The previously approved development plan and use permit for Gilbert Town Center under Z05-14 and UP05-12 provided a tremendous amount of usable open space, walkways/ trails, pedestrian plazas and gathering areas, created density and integration with the overall site for pedestrian oriented building designs and elements include sidewalk widths and locations, pedestrian coverings and building fronts, upper story activities overlooking the street, pedestrian plazas and connections, pedestrian amenities, scale and fenestration. The proposed development plan lacks the previous integration and density to the overall site for a number of reasons discussed in this staff report. Additionally the applicant is requesting deviations from the reduced RC zoning setbacks for the 3-story apartment buildings and the step back requirement at the 3rd floor building elevations adjacent to existing residential. The apartments will then be pushed forward, closer to the adjacent streets and fenced for security creating further detachment from the overall site with no pedestrian or integration benefit to the overall site.

Multi-family use in regional commercial district. In addition to the findings required in Land Development Code (LDC) Section 5.403: required findings, the planning commission shall approve, approve with modifications and/or conditions, or deny a use permit for a multi-family

use in a regional commercial district only after making the additional findings of fact set forth in this section:

1. Mixed land uses- the proposed project demonstrates that land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

Staff believes that the proposed development plan does not provide for either vertical or horizontal integration and therefore does not comply with the intent of this finding of fact, as the proposal does not provide for an efficient design that cultivates the intended sense of a live, work, and play environment but rather relies on a standalone suburban multi-family apartment complex design. Additionally, there would be the loss of 13.72 acres of commercial uses without the benefit of creating a more regional draw at one of the most significant corners in the Town of Gilbert.

2. Sustainability through compact design- the proposed project demonstrates that site layout is compact and configures buildings, parking areas, streets, driveways and gathering places in a way that lessens dependence on the automobile, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved "shared-parking" model.

Staff finds that the proposed development plan provides a layout and design that relies predominantly upon automobiles for ingress and egress of the subject site and provides for a standard, stand-alone apartment complex design and does not meet demonstrate sustainability through compact design. The applicant has proposed a 6' wide decomposed granite pathway "fitness trail" which is essentially the sole method of integration and outdoor gathering area between the proposed multi-family parcel and the remainder of the overall 37 acre site. This is the feature that the applicant believes complies with the use permit findings of fact related to compact design and pedestrian scale and orientation. A secondary decomposed granite pathway is shown on the use permit exhibits. The proposed parking for the apartment buildings does appear to comply with the parking requirements for multi-family residential uses under the LDC

3. Pedestrian scale and orientation- the proposed project demonstrates that all portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities, and the proposal provides appropriately scaled pedestrian amenities and gathering places.

Staff believes that the proposed development plan exhibits does not provide for or meet the intent of this design requirement. The proposed development plan essentially creates a stand-alone multi-family development, predominately isolated from the remainder of the overall Gilbert Town Center site. The applicant has proposed a 6' wide decomposed granite pathway in order to connect the municipal complex to the north between the Banner Health Center parcel and the proposed

multi-family parcel as essentially the sole method of integration between the proposed multi-family parcel and the remainder of the overall 37 acre site.

4. Transportation and connectivity- the proposed project demonstrates that the development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.

The proposed project has not demonstrated appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles. Staff notes that when the 13 acre Banner Health Center site was rezoned in May of 2012 under Ordinance No. 2368, the original intent was for Banner in coordination with the proposed multifamily parcel/southeast parcel (Parcel 2) to develop and improve a drive aisle between the two parcels and provide a secondary vehicular connection between Palm Street and Civic Center Drive. This was the reason for creating the Banner Health Center parcel shape as it is and the remaining southeast parcel (Parcel 2). The proposal under Z13-08 no longer provides for this access drive and staff believes this further detracts from the connectivity of the site as there will now be no north-south vehicular connection until such time as the northwestern (Parcel 1) develops, which will not help with the traffic impact of the proposed multi-family use on the southwest parcel (Parcel 2).

PLANNING COMMISSION JUNE 5, 2013 STUDY SESSION

At the June 5, 2013 Planning Commission Study Session Z13-08 and UP13-04 were discussed and reviewed. Comments from the Planning Commission included that the original development plan for Gilbert Town Center was intended to have a live, work, play feel and design with retail and lofts above; Banner Health Center site wanted to be secure and limited the ability to integrate the site; if multi-family were a feasible use or the best use for the subject site; and that if multi-family were to be feasible for the subject site needed to be more integrated. (See Attachment 6)

STAFF REQUEST

Staff requests Planning Commission input.

Respectfully submitted,

Nathan Williams

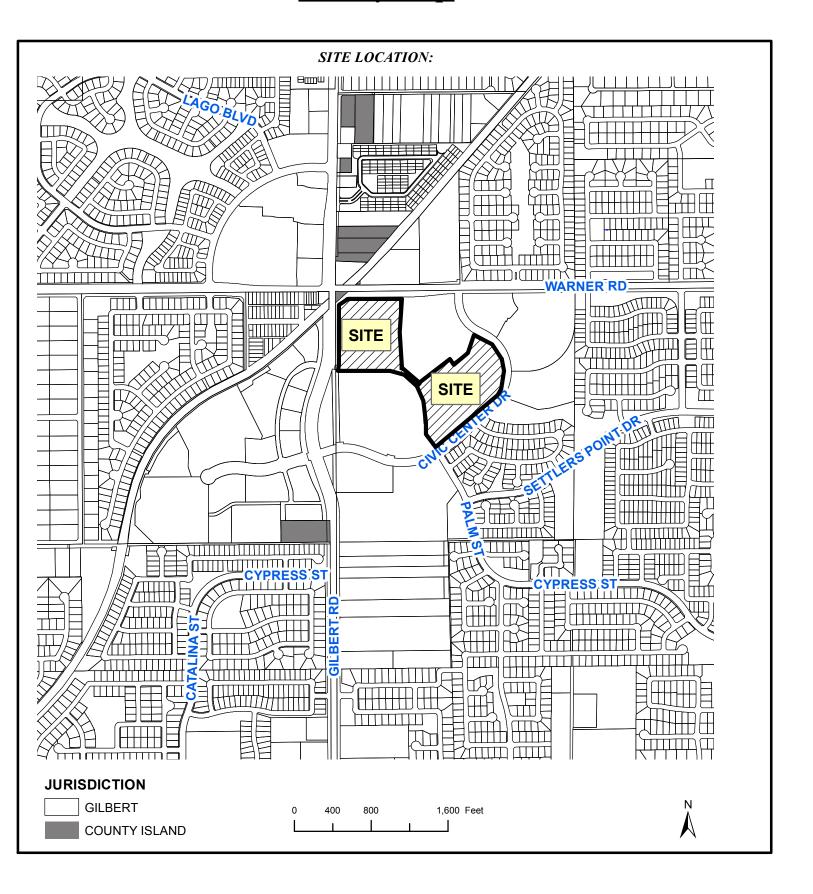
Planner II

Attachments:

- 1. Vicinity Map
- 2. Aerial Photo
- 3. Development Plan for Z13-08
- 4. UP13-04 Exhibits Reference Only (11 pages)

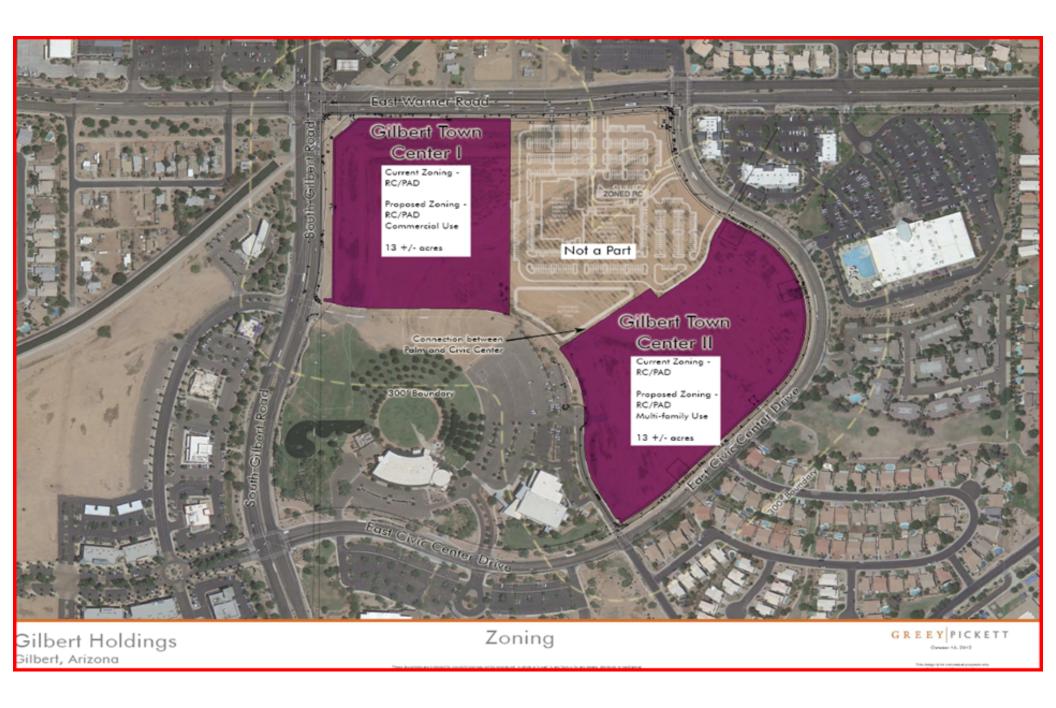
- Previous Development Plans under Z05-14 (4 pages) June 5, 2013 PC Study Session Minutes (3 pages) 5.
- 6.

Vicinity Map



UP13-04 Attachment 2: Aerial Photo September 3, 2014





UP13-04 Attachment 3: Development Plan for Z13-08 September 3, 2014

Development Plan

Project Data

Northwest Parcel (Parcel 1): 11.58 Net Acres Southeast Parcel (Parcel 2): 13.72 Net Acres

Total Site Area: 25.30 Net Acres

General Plan Designation: RC

RC w/ PAD Overlay Current Zoning:

Proposed Zoning: RC w/PAD Overlay (Amended)

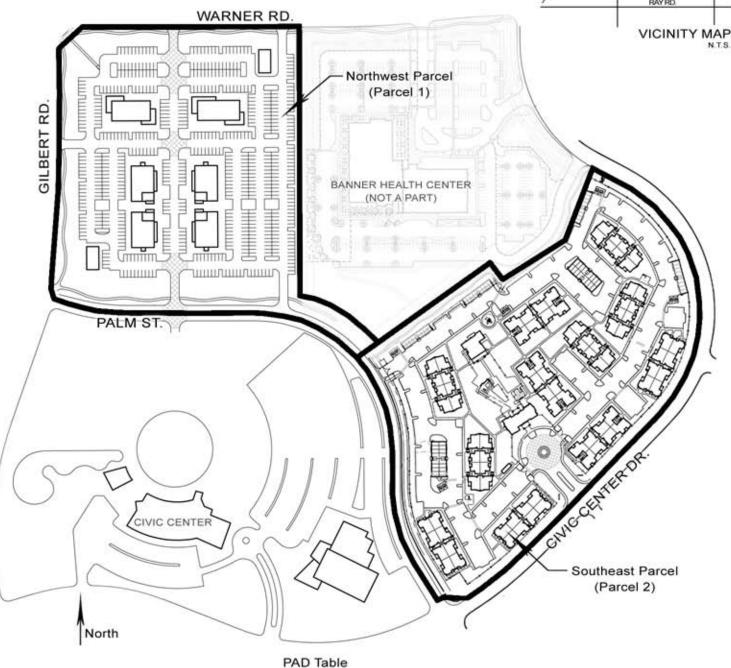
Poperty Owner

AZ Gilbert Holdings LLC/ Lehman Brothers Holdings, Inc. 3224 Peachtree Road, Suite 2200

Atlanta, GA 30326-1156 Contact: Christopher Bley Phone: 310-500-3534

Case: Z13-08





Northwest Parcel (Parcel 1) - Development Standards: RC (Per LDC with no PAD modifications.) Southeast Parcel (Parcel 2) - Development Standards: RC (Per LDC with the following PAD modifications.)

1. No Building Step-back

2. Building/Landscape Setbacks:	Propsed Bldg.	Pı
Front (Civic Center)	10'	
Rear (Banner)	20'	
Side (Palm Street)	10'	
*Except where there are buildings then	per proposed bldg sether	-le

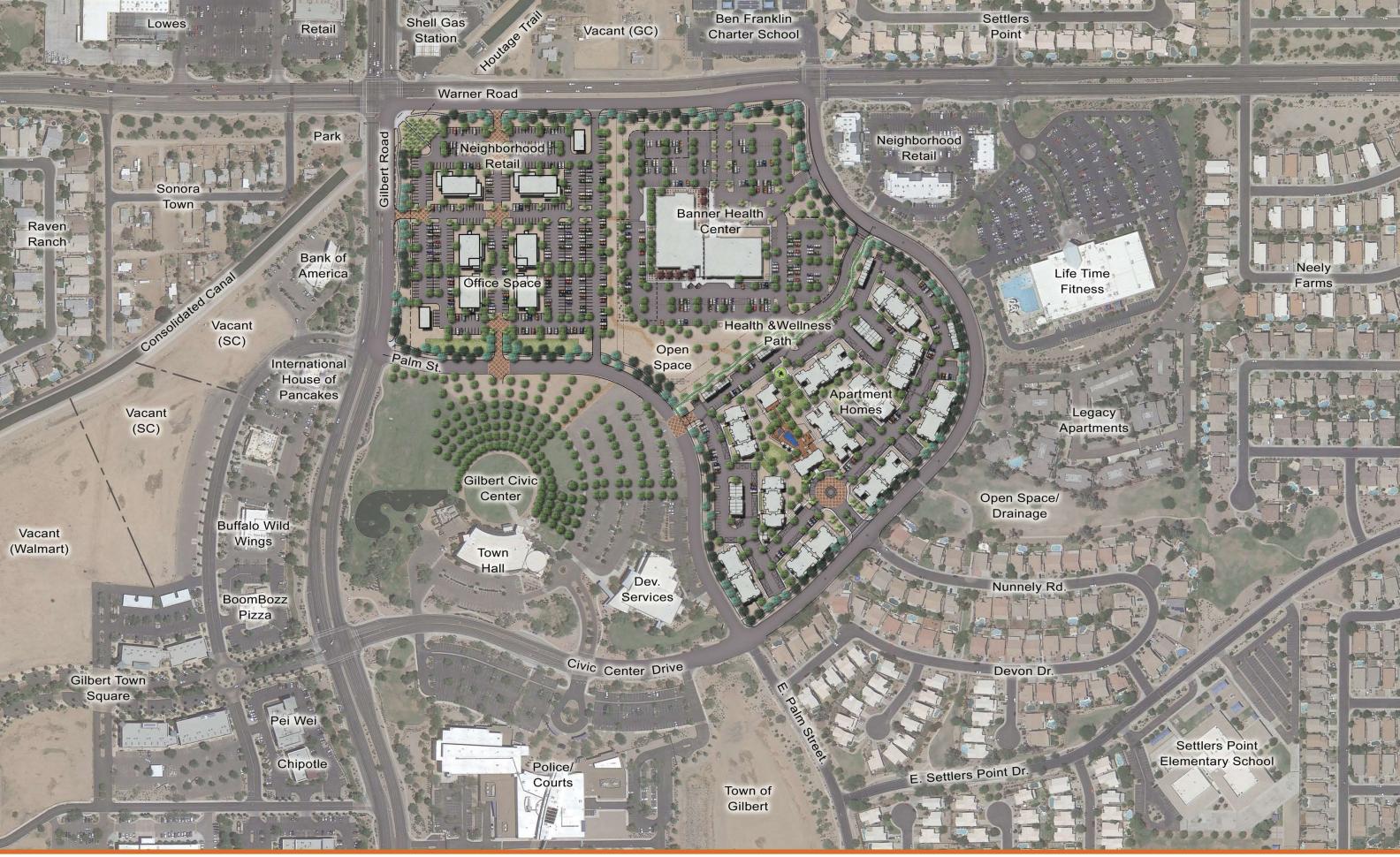
Except where there are buildings then per proposed bldg. setback.

roposed Landscape*

20' **UP13-04**

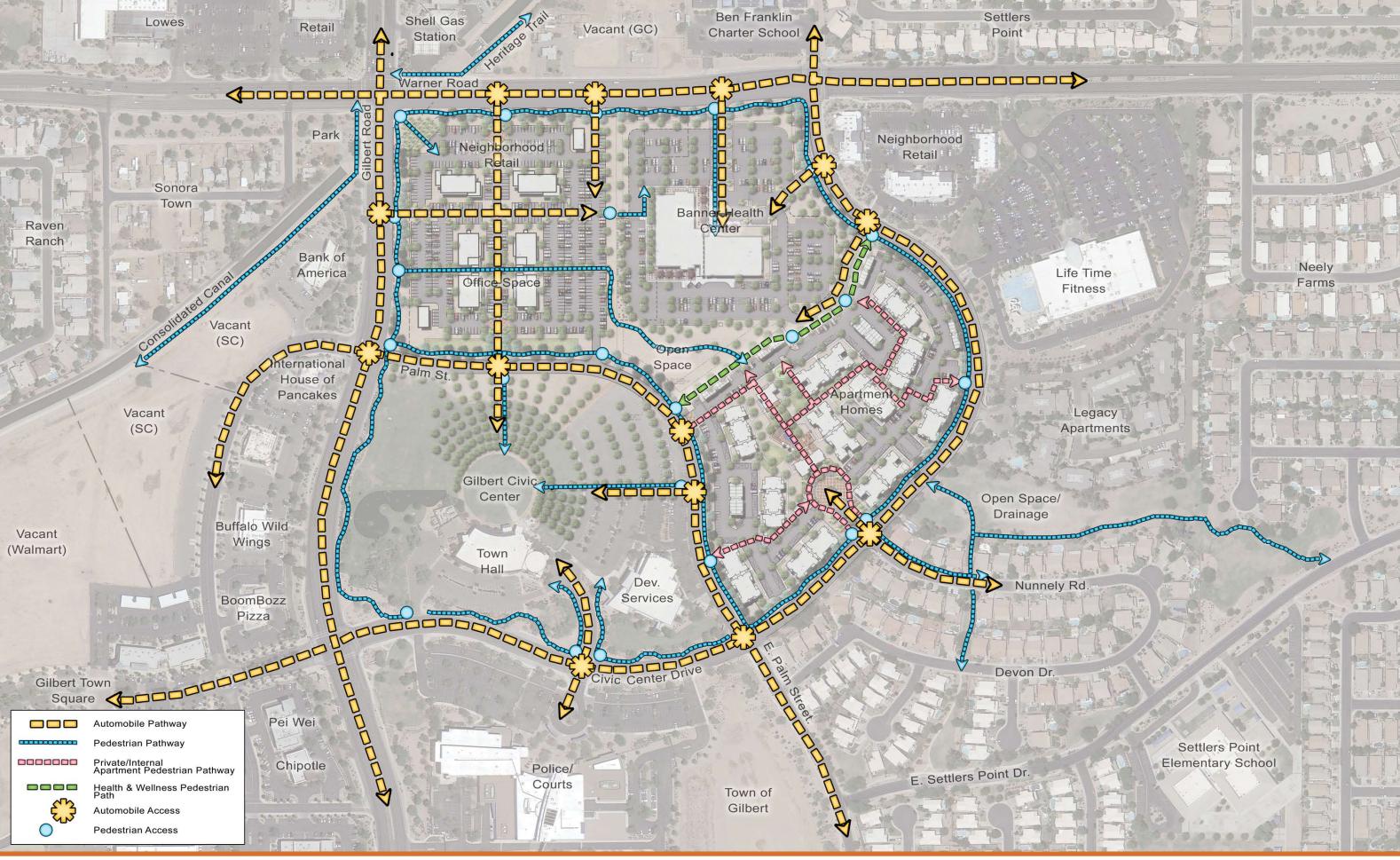
20' Attachment 4: UP13-04 Exhibits -20' Reference Only (11 pages)

September 3, 2014



Gilbert Holdings Gilbert, Arizona Masterplan





Gilbert Holdings Gilbert, Arizona Access Masterplan

GREEY PICKETT







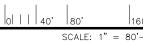
COLLABORATIVE V DESIGN STUDIO INC. 7116 EAST 1ST AVE., SUITE 103

SUITE 103 SCOTTSDALE, ARIZONA 85251 OFFICE: 480-347-0590 FAX: 480-656-6012

DATE: JUNE 27, 2014

CIVIC CENTER TRAIL PLAN PRELIMINARY

CIVIC CENTER FITNESS TRAIL







CORNICE TREATMENT



PARAPET WALLS



STREET ACCESS



FRONTYARD GATE



FRONTYARD ENTRIES



ENTRY ACCENTS



COLOR VARIETY



METAL TRIM



GILBERT CIVIC CENTER

Circo of Rich Ring

World HQ@ORBArch.com





R E V I S I O N S

INTEGRATION ELEMENTS



GILBERT CIVIC CENTER

GILBERT, ARIZONA



World HQ@ORBArch.com



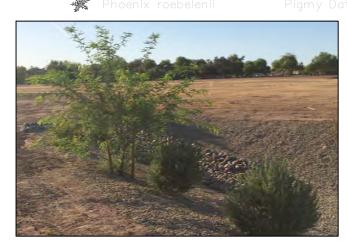




INTEGRATION ELEMENTS

CIVIC CENTER PLANT LEGEND GILBERT

BOTANICAL NAME COMMON NAME **SHRUBS IREES** * Acacia salicina Weeping Acacia 'Doris D' (ullet)*Eremophila hygrophana Blue Bells 'Blue Bells' *Leucophyllum frutescens Green Cloud Ranger 'Green Cloud' *Prosopis x 'Rio Salado Rio Salado Mesquite * Quercus virginiana Southern Live Oak 'Heritage' *Tecoma hybrid Bells of Fire *Parkesonia hybrid Desert Museum 'Bells of Fire' 'Desert Museum' *Tecoma hybrid Orange Jubilee 'Orange Jubilee' GROUND COVERS *Ulmus parvifolia Evergreen Elm *Lantana hybrid Dallas Red Dallas Red Lantana *Lantana hybrid New Gold Lantana 'New Gold' ACCENTS/VINES Purple Trailing Lantana *Lantana montevidensis ** * Agave weberi Weber's Agave *Rosmarinus officinalis Upright Rosemary 'Pyramidalis' *Hesperaloe parviflora Red Yucca 0 * Hesperaloe parviflora Brakelights Red Yucca * *Hesperaloe funifera Giant Hesperaloe *INDICATES PLANTS USED AT ADJACENT BANNER HEALTH SITE * Muhlenbergia capillaris Regal Mist (INCLUDING HYBRID VARIETIES AND SPECIES WITH SAME GENUS)



'Regal Mist'

AS PERIMETER TREE AT BANNER HEALTH



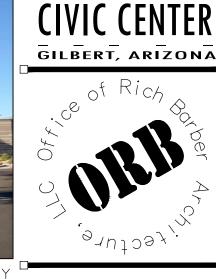
LIVE OAK AS PARKING LOT TREE AT BANNER HEALTH



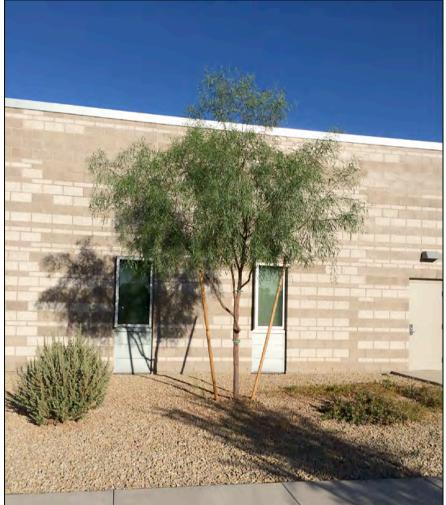
DESERT MUSEUM PALO VERDE AT BANNER HEALTH



DESERT MUSEUM PALO VERDES AND MESQUITE AT ENTRY TO BANNER HEALTH



GILBERT



WILLOW ACACIA AT BANNER HEALTH



COLLABORATIVE V DESIGN STUDIO INC. 7116 EAST 1ST AVE., SUITE 103 SCOTTSDALE, ARIZONA 85251 OFFICE: 480-347-0590 FAX: 480-656-6012

DATE: JUNE 27, 2014



LANDSCAPE INTEGRATION PLAN LANDSCAPE INTEGRATION PLAN **PRELIMINARY**



Proposed Development Master Plan

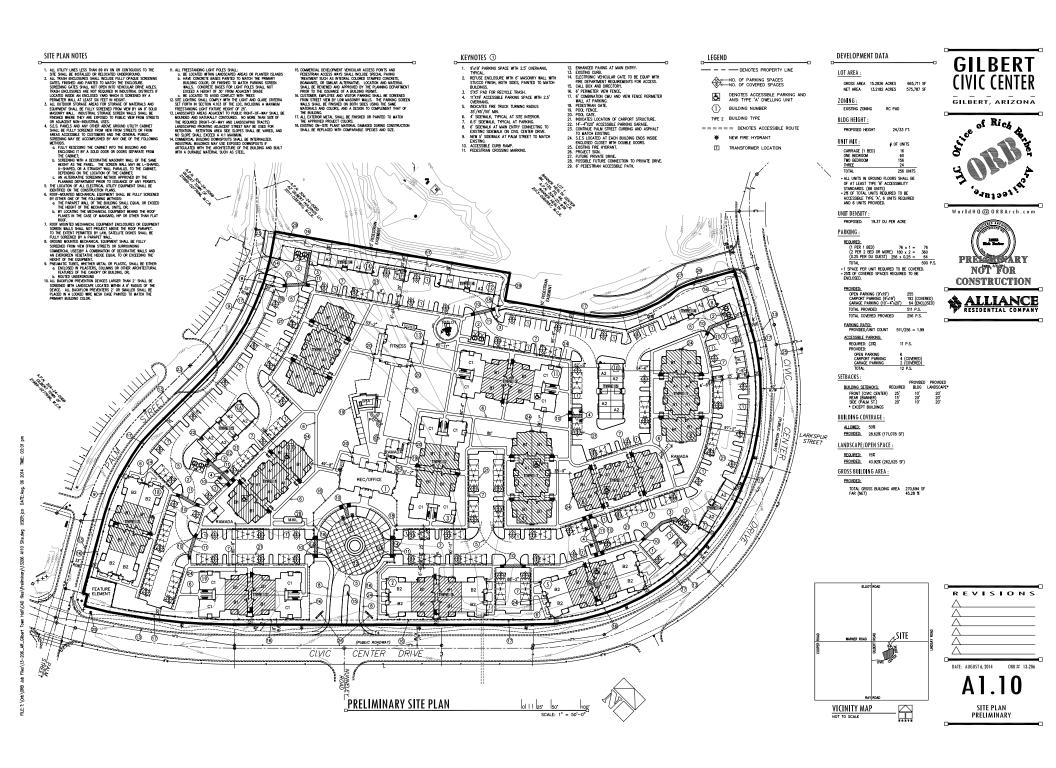


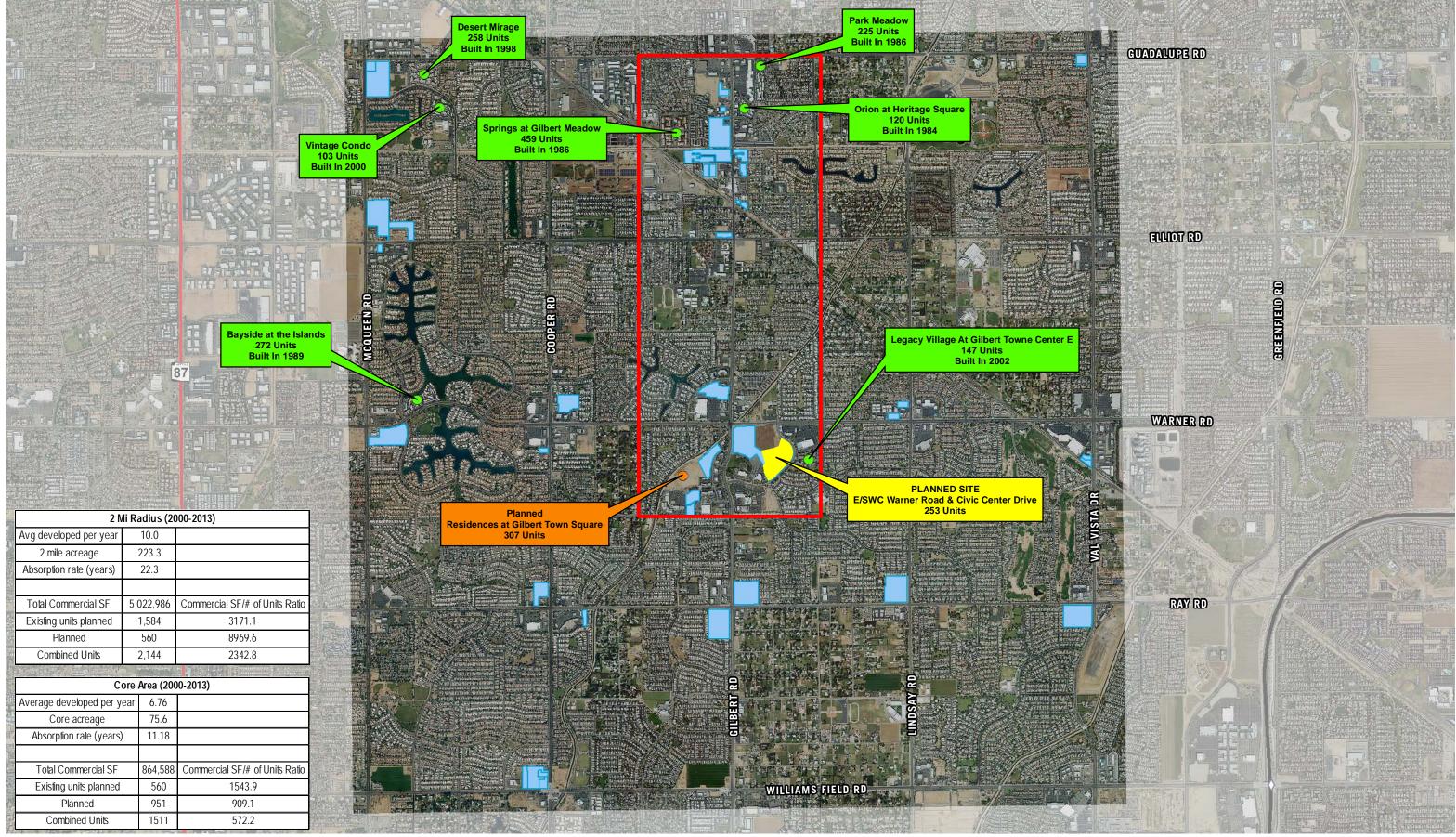
Gilbert Town Center Plan Compariso

,							
	SITE PLAN ORD	1689	TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area							
Gross Area Net Area	1,743,128 Square Feet 1,614,711 Square Feet	40.02 Acres 37.07 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet	
Planning & Zoning							
Current Zoning Proposed Zoning Current General Plan Proposed General Plan	RC PAD RC PAD RC RC		RC PAD RC PAD RC RC	RC PAD RC PAD RC RC RC	RC Not a Part RC RC	RC PAD RC PAD RC RC	
Development Standards							
Building Setbacks Required Front Rear Sides Landscape Setbacks Required	25 Feet 15 Feet 20 Feet		25 Feet 15 Feet 20 Feet	25 Feet 15 Feet 20 Feet	25 Feet 15 Feet 20 Feet	10 Feet 20 feet 10 Feet	(Civic Ctr Drive) (Banner) (Palm Street)
Front Rear Sides	25 Feet 15 Feet 20 Feet		25 Feet 15 Feet 20 Feet	25 Feet 15 Feet 20 Feet	25 Feet 15 Feet 20 Feet	20 Feet 20 Feet 20 Feet	(Civic Ctr Drive*) (Banner) (Palm Street*) * Except Buildings
Building Height							
Maximum By Code Proposed Buildings	35 Feet/2 Story 65 Feet/5 Story		35 Feet/2 Story Varies	35 Feet/2 Story 35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story 33 Feet / 3 Story	
Commercial Uses							
Commercial Area Residential Offices Total Commercial Residential Uses	146,600 Square Feet 32,400 Square Feet 179,000 Square Feet	120 Units	174,710 Square Feet <u>NA</u> 174,710 Square Feet	87,300 Square Feet NA 87,300 Square Feet	87,410 Square Feet NA 87,410 Square Feet	NA <u>NA</u> NA	
Units Square Footage	1,206 Units 799,104 Square Feet	662.61	256 Units 270,594 Square Feet	NA NA	NA NA	256 Units 270,594 Square Feet	
Building Area Summary					4		
Total Residential & Commercial Residential Density Commercial Density (FAR - Net)	978,104 Square Feet 32.53 DU/Acre 11.09%		445,304 Square Feet 7.00 DU/Acre 10.97%	87,300 Square Feet 0.00 DU/Acre 17.31%	87,410 Square Feet 0.00 DU/Acre 17.06%	270,594 Square Feet 19.37 DU/Acre	
Building Coverage							
Maximum Percentage Proposed	50% 28%			50% 17%	50% 17%	50% 29%	
Landscape/Open Space							
Required Provided	15% 52%		15%	15% 40%	15% 40%	15% 43%	
Parking		I					
Residential Commercial Total	1,778 807 2,585		511 <u>961</u> 1472	NA 480 480	NA 481 481	511 <u>NA</u> 511	

	SITE PLAN ORD 1689	TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area						
Gross Area	1,743,128 Square Feet 40.02 Acres					
Net Area	1,614,711 Square Feet 37.07 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet	
Planning & Zoning						
Current Zoning	RC PAD	RC PAD	RC PAD	RC	RC PAD	
Proposed Zoning	RC PAD	RC PAD	RC PAD	Not a Part	RC PAD	
Current General Plan	RC	RC	RC	RC	RC	
Proposed General Plan	RC	RC	RC	RC	RC	
Development Standards						
Building Setbacks Required						
Front	25 Feet	25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet	15 Feet	15 Feet	15 Feet	20 feet	(Banner)
Sides	20 Feet	20 Feet	20 Feet	20 Feet	10 Feet	(Palm Street)
Landscape Setbacks Required		1				ľ
Front	25 Feet	25 Feet	25 Feet	25 Feet	20 Feet	(Civic Ctr Drive*)
Rear	15 Feet	15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*) * Except Buildings
Building Height						
Maximum By Code	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	
Proposed Buildings	65 Feet/5 Story	Varies	35 Feet/2 Story		33 Feet / 3 Story	
Commercial Uses						
Commercial Area	146,600 Square Feet	174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Offices	32,400 Square Feet 120 Units	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	
Total Commercial	179,000 Square Feet	174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Uses						
Units	1,206 Units	256 Units	NA NA	NA	256 Units	
Square Footage	799,104 Square Feet 662.61	270,594 Square Feet	NA	NA	270,594 Square Feet	
Building Area Summary						
Total Residential & Commercial	978,104 Square Feet	445,304 Square Feet	87,300 Square Feet	87,410 Square Feet	270,594 Square Feet	
Residential Density	32.53 DU/Acre	7.00 DU/Acre	0.00 DU/Acre	0.00 DU/Acre	19.37 DU/Acre	
Commercial Density (FAR - Net)	11.09%	10.97%	17.31%	17.06%		
Building Coverage						
Maximum	50%		50%	50%	50%	
Percentage Proposed	28%		17%	17%	29%	
Landscape/Open Space						
Required	15%	15%	15%	15%	15%	
Provided	52%		40%	40%	43%	
Parking						
Residential	1,778	511	NA	NA	511	
Commercial	807	<u>961</u>	<u>480</u>	<u>481</u>	<u>NA</u>	
Total	2,585	1472	480	481	511	









2375 East Camelback Rd, Suite 300 Phoenix, Arizona 85016 P: 602.954.9000 F: 602.468.8588 Cassidy Turley · www.cassidyturley.com SEC Gilbert Rd & Warner Rd Commercial Land Analysis

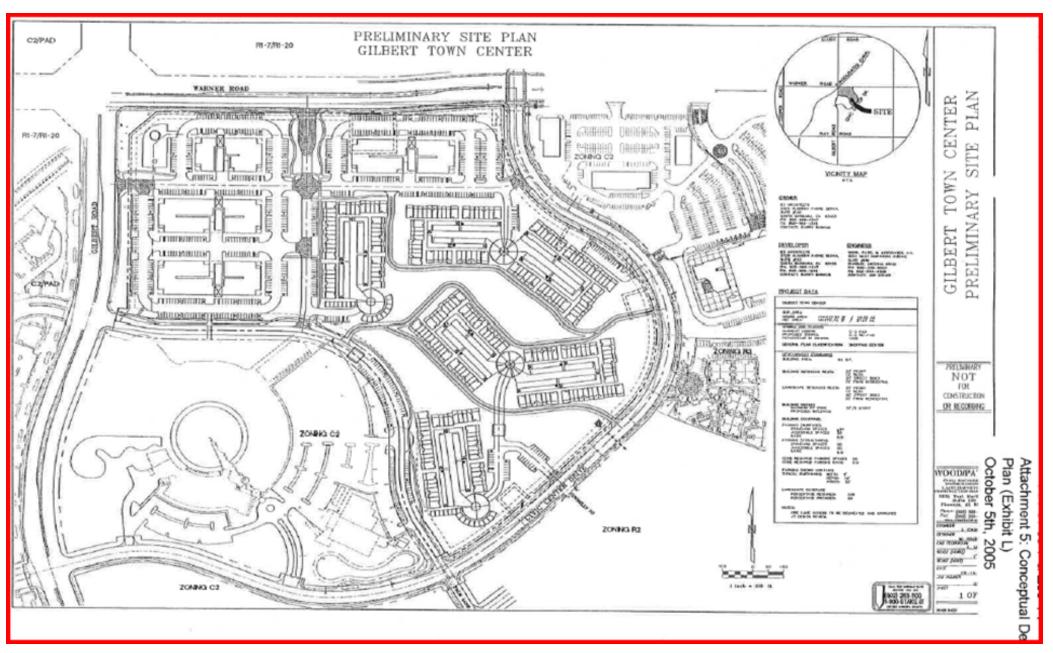
Photo Date: December 2012

Average age of existing units: 22 Years

0 0.25 0.5

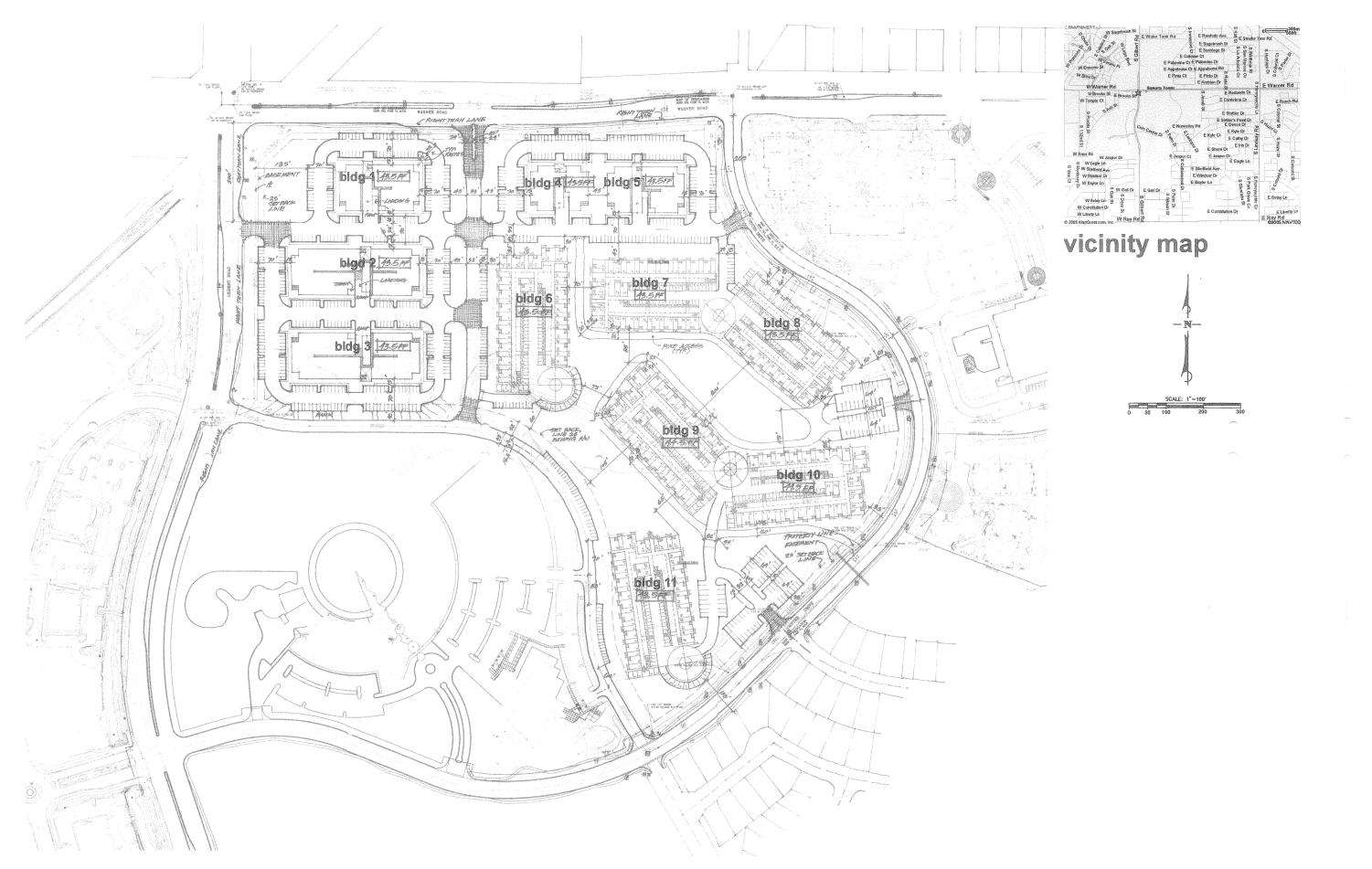
The information contained herein was obtained from sources believed reliable; however, Cassidy Turley makes

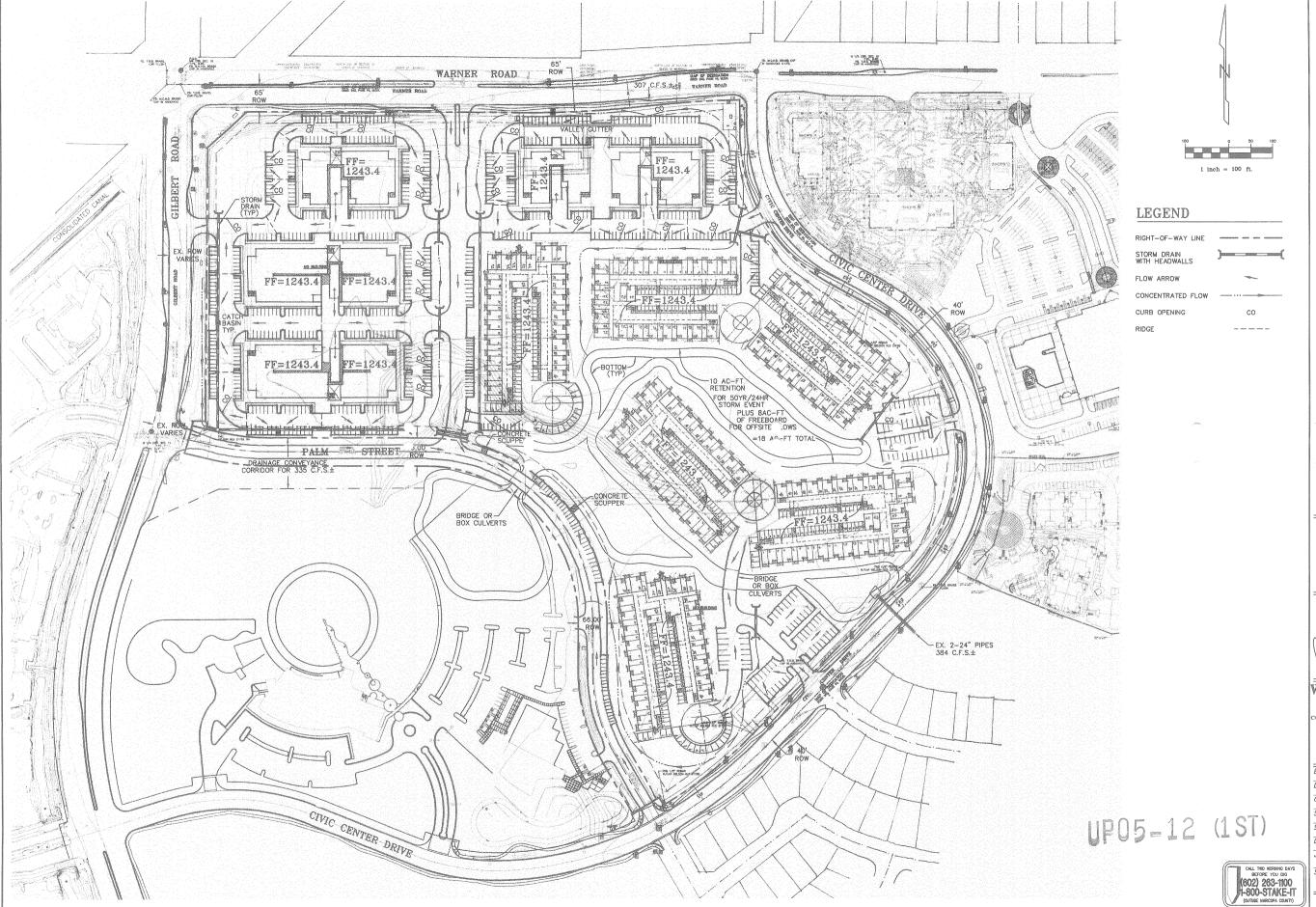
believed reliable; however, Cassidy Turley makes no guarantees, warranties or representation as to the completeness or accuracy thereof. The presentation of this map is submitted subject to errors, omissions, and changes without notice.



UP13-04 Attachment 5: Previous Development Plans under Z05-14 (4 pages) September 3, 2014







GILBERT TOWN CENTER SCHEMATIC GRADING & DRAINAGE PLAN

PRELIMINARY
NOT
FOR
CONSTRUCTION
OR RECORDING



WOOD/PATEL

LAND SURVEYORS
CONSTRUCTION MANAGER
2051 West Northern
Suite 100
Phoenix, AZ 85021
Phone: (602) 335-8580
Fax: (602) 335-8580
www.woodsats.com
ENGINEER

DESIGNER

W. WISNIEWSKI

CAD TECHNICIAN
C. BACH

SCALE (HORIZ)

| 1"=100' | SCALE (VERT) | DATE | 8-12-05

30B NUMBER 052467

SHEET 1 OF 1

UP13-04 Attachment 6: June 5, 2013 PC Study Session Minutes (3 pages)

September 3, 2014

would eventually approve them. They decided where they wanted the sites to be located and three applications actually came in which were approved by the Planning Commission with a Use Permit because they met the findings. Two of the sites were appealed to the Town Council and overturned and the other was sent to the state and approved as a location. That one is just in the early stages of getting ready to open at McQueen and Elliot Roads in an industrial park. Vice Chairman Peterson said that it is her understanding from what she has been told by the police department there is not a lot of information yet because they are so new in opening as it took so long for the state to decide where they could be located and who was going to get the positions through a number draw. There has not been enough time to establish any criteria even to look at currently.

Commissioner Powell said that information satisfied his question.

Commissioner Oehler asked how deliveries would be handled.

Planner Ward said that a nondescript type of vehicle would be making deliveries through the front door.

Planning Manager Edwards pointed out that the security plan was located on the last two pages of the staff report. She noted that the criteria were research conforming almost word for word to the statutes and all of the planning is not only reviewed by Planning but also by police and others. It is a much regulated program.

Commissioner Bianchi asked if the CHAW boundary stops at Power Road at the Gilbert boundaries or does it go into Mesa as well. Could they see applications on the Mesa side of Power Road as well?

Senior Planner Mike Milillo said that it had been some time since he reviewed the CHAW map but he did not believe that the East CHAW map corresponds exactly to Gilbert's jurisdictional boundary. It may actually overlap into Mesa or even Queen Creek. This particular dispensary is working with the state and the understanding was that there was only one dispensary permitted per CHAW so if this one actually receives a license this will be the one for the East CHAW in Gilbert.

Commissioner Bianchi said that the site was in Light Industrial but it did not look like a typical LI Park.

Planner Ward said that a portion of the property was designated LI and a portion for Regional Commercial (RC). There are a lot of heavy trucking types of uses there. This parcel is in the Town but the area to the West is still in the County.

Z13-08 - Gilbert Town Center - Amend Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove approximately 25.3 acres of property generally located at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD) and to rezone said real property from Town of Gilbert Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district to Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district; and

UP13-04 - Gilbert Town Center Apartments - Conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district.

Planner Nathan Williams displayed an aerial map of the PAD for the site. He noted that Banner Health Care pulled their 13 acres out of the 37 acre overall piece and rezoned it to a new development plan. Essentially, this applicant is doing the same thing in that they will be removing 25 acres from the Gilbert Town Center PAD that currently exists and will rezone it with a new PAD. The driving force behind the request is the southern 13 acres that the applicant would like to see as multifamily use in the rezoned commercial district. Mr. Williams displayed the proposed development plan to demonstrate that the multifamily would be on the southeastern piece with some office and retail on the Southeast corner with the Banner Health Care piece in the center. What is required to allow multifamily in the RC zoning district is that it must be part of a integrated mixed-use plan with a Conditional Use Permit required. What they must

do is make sure that it is an integrated mixed-use development and the way to do that is to have some exhibits to demonstrate that that can be approved through zoning and through a Use Permit. Staff does not feel that currently there is enough information to demonstrate that this is part of an integrated mixed-use development and the applicant is working on that. Planner Williams said that in 2005 the 37 acres was approved as Gilbert Town Center and was a true mixed-use development with nearly 180,000 sq. ft. of commercial, 1200 residential units which included lofts and 4 to 5 story condominium buildings with parking structures and a lot of urban feel pedestrian connections. When Banner Health Care went in that changed the dynamics of the piece.

Chairman Fuller said that initially the PAD called for a live/work type feel of project with retail on the bottom and lofts up above.

Planner Williams said that was correct.

Commissioner Bianchi said that when the Banner Health Care facility came forward they began to discuss the possibility for synergistic uses next to it. Are there now restrictions on that where they will now not get adjacent uses that they were initially thinking about and that would limit the possibilities of the adjacent parcels?

Planner Williams said that when Banner went in it did limit the synergistic abilities of the parcel somewhat. The issue is that it is RC and in order to allow multifamily it has to be an integrated mixed-use. It is a catch 22 in that sense. It's up to the applicant to try to come up with something to be able to integrate.

Commissioner Bianchi asked if they were aware of any restrictions that could occur as a result of Banner going in there.

Mr. Williams said that Banner does require some restrictions of other users that come in on the site in terms of other medical related uses.

Commissioner Powell asked how many apartment units are currently under application.

Planner Williams said that he did not know the exact number but that he would research that and get back to the Commission with that number.

Commissioner Powell said that information would be helpful if they knew the total number of units throughout the Town that were being considered. In addition, he wished to know if the Town has done any type of a study where it would support the interest in building so many multi-housing units.

Planner Williams said that he would research that as well.

Commissioner Powell asked if staff knew what was driving the interest in building multi-housing.

Planner Williams said that it was very popular currently as it is very affordable and is easily financed which is always a big plus in the development industry

Commissioner Fuller said that he remembered thinking when the project was initially presented in 2005 that it was very ambitious for the Gilbert Warner location and not really feasible. He said that when the case comes back at the next regular session he would like to hear from applicant why multifamily makes sense at this location. He said that he did not think that it was the greatest spot for commercial as it would be difficult to drive traffic there so he would like to hear from staff what they would want to go there if they did not want to go the multifamily direction as he was not sure what the next feasible alternative would be at that spot.

Commissioner Oehler said that he would like to see a little more play on the integration.

Vice Chairman Peterson said that she would like to see the minutes from the Banner meeting and what was discussed about that property. She said that she remembered that Banner wanted it to be secure and not allow them to have integrated uses and be able to cross over the property. She said that she would like to see the list of what wasn't allowed at that site. She said that she thought that it was a perfect location for a pharmacy with Banner health right next door.

Commissioner Bianchi said that when they moved forward they advertise this for two parcels but they are really only seeing a plan for one of them. He said that he needed to see what an integrated plan would be for both of the parcels and how they connect to one another as this originally was supposed to be one mixed-use project. He said that this was almost a clustering of multifamily and typically not where you would find one so he would like to have a discussion about how this ties into any of the adjacent uses as well as what transit options exist to connect to employment areas.

Vice Chairman Peterson noted that the multifamily for across the street at Gilbert town square is on the Town Council agenda for June 6^{th} .

GP13-04 - Minor General Plan amendment to change the land use classification of approximately 157.3 acres of real property generally located at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 - 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 - 5 DU/Ac land use classifications; and

Z13-07 - Amend the Morrison Ranch Planned Area Development (PAD) by amending Ordinances Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 by rezoning approximately 157.3 acres of real property generally located at the northwest corner of Higley and Warner Roads, in zoning case Z13-07, from approximately 33 acres of Single Family-10 (SF-10), 22.1 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10 acres of Public Facility Institutional (PF-I) zoning districts, all with a Planned Area Development overlay zoning district to 33 acres of Single Family-10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7) and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development overlay zoning district; and by amending conditions of development as follows: reducing the width of lots for the SF-7 zoning district, increasing the depth of the lots for the SF-6, SF-7, SF-8 and SF-10 zoning districts, and increasing the maximum lot coverage for all the residential zoning districts proposed

Senior Planner Maria Cadavid stated that this was a 150 acre site which is part of the Morrison Ranch Master Plan that was originally entitled in 1998. She displayed an exhibit that showed the boundaries of the Morrison Ranch character area. The subject site is at the Northwest corner of Higley and Warner Roads. She noted that the corner that is Neighborhood Commercial will remain. The current land use classification is 3.5 - 5, the PSI was reserved for the Gilbert school district and the Neighborhood Commercial is on the corner. The applicant wishes to develop 2 parcels with two residential designations one being 93 acres of 2 -3.5 classification and parcel B, 3 - 3.5 - 5. Planner Cadavid said that they have a letter from the school district to the applicant/owner stating that they are not interested in building another school facility at that location so the PSI has been absorbed by the residential acreage. Planner Cadavid referred to the following information from pages 3 and 4 of the staff report:

Rezoning (Z13-07): The proposed amendment to approximately 157.3 acres of the Morrison Ranch PAD to be known as the Warner Groves subdivision consists of:

- 1. Reconfiguring the boundaries and acreage of parcels B (SF-8) by increasing the size by 4.7 acres
- 2. Squaring and reducing the size of parcel C (SF-7) by 2.7 acres; and,
- 3. Reconfiguring the boundaries of parcel D (SF-6) incorporating the acreage from the school site for a total of 56.5 acres.
- 4. The zoning request also proposes:
 - o To increases the depth of all lot in the zoning districts requested.